

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

TODD VERDIER,

Plaintiff,

v.

PHILIP WALKER and CLARK  
COUNTY,

Defendants.

CASE NO. C15-5700RBL

ORDER

THIS MATTER is before the Court on Defendants' Motion for Summary Judgment [Dkt. #21], filed January 12, some two months before the scheduled March 20 trial date. After the Motion was filed, but before Plaintiff Verdier responded to it, his attorney moved to withdraw [Dkt. #24]. Verdier asked the Court to stay the case 90 days so he could get a new attorney, and an additional 60 to 90 days so that attorney could respond to the motion. [Dkt. #26] Defendants opposed a lengthy delay. [Dkt. #25]

The Court Ordered Plaintiff and his attorney to work together on a response to the motion and indicated that the motion to withdraw would be granted after that response was filed. It gave them two additional weeks to file the then-overdue response. [Dkt. #27]

1 Eleven days later, Verdier appealed the Court's Order to the Ninth Circuit [Dkt. #33].  
2 The same day, he filed a "Motion for a Stay or Continuance and for Judgment on Tribunal" [Dkt.  
3 #28]. He asked for more time, and for the Court to sanction his attorney for not communicating  
4 with him as ordered. Five days later, Verdier and his attorney each filed responses [Dkt. #s 29  
5 and 30] to the pending motion for summary judgment.

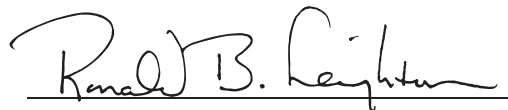
6 It is not clear what specific portion of this Court's ruling Verdier asks the Ninth Circuit to  
7 reverse, and it is not clear that he has perfected his appeal, or that the Court's order was even  
8 appealable. Nevertheless, the appeal deprives this Court of jurisdiction to rule on the pending  
9 motion for summary judgment, or even to permit Verdier's attorney to withdraw despite having  
10 filed the required response. The case is STAYED pending an order from the Ninth Circuit  
11 returning the matter to this Court. All pending motions are DENIED without prejudice due to the  
12 pending appeal.

13 Under Fed. R. Civ. P. 62.1 and F.R.A.P. 12.1, the Court states that, if the case were  
14 remanded for the limited purpose of granting the attorney's Motion to Withdraw, the Court  
15 would do so.

16 The parties shall promptly inform the Court of the disposition of Verdier's appeal.

17 IT IS SO ORDERED.

18 Dated this 29th day of March, 2017.

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Ronald B. Leighton  
United States District Judge